

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/490,836	RYAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Patrick J Santos	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1 December 2004.
2. ☒ The allowed claim(s) is/are 1,3-6 and 8-14.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☒ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Independent claims 1, 3, 5-6, 8, and 10 and dependent claims 4, 9, and 11-14 are allowed.

The following is the Examiner's statement of reasons for allowance.

Independent claims 1 and 6 were previously rejected under U.S. Patent No. 5,410,601 issued to Hashimoto (hereafter Hashimoto '601) and U.S. Patent No., 6,357,046 issued to Thompson et al. (hereafter Thompson '046).

Independent claims 3, 5, 8, and 10 were previously rejected under Hashimoto '601 and U.S. Patent No. 4,849,836 issued to Kachikian (hereafter Kachikian '836).

Pending claims as amended rely on the following limitations:

1. Data in the baseband video, specifically in the blanking interval;
2. Such that the data ***is not recorded*** by particular video recorders.

The first limitation is well known in the art. For example, closed captioning information is often stored in blanking intervals.

However, the second limitation is what distinguishes pending claims from prior art. Examiner reads the term "particular video recorders" to be "non-compliant/problematic video recorders" as distinguished from "compliant/special video recorders" as set forth in the written description of the specification, page 3, ln. 30 to page 4, ln. 25. Additionally, Examiner reads the limitation of particular data being, "not recorded" as never being persisted on a recording media.

Hashimoto '601, discloses a scrambling system. Should a problematic recorder record the scrambled signal of Hashimoto '601, it would record the entire signal. Any secure data,

would also be recorded. Although the data would be scrambled, it would be persisted on a recording media, as opposed to the pending application.

There are several means by which secure data may be sent as not to be recorded. Some systems send data over other transmission lines. Others send data over vestigial sidebands. However, pending claims recite that the data is in a predetermined part of a modified baseband, video signal, in a blanking interval, and furthermore that that predetermined part is not recorded along with the rest of the signal by "non-compliant/problematic video recorders." Because the techniques to prevent recording of data in the prior art apply to different types of transmission, they do not apply to the modified baseband, video signal, blanking interval of the pending claims.

For these reasons, independent claims 1, 3, 5-6, 8, and 10 and dependent claims 4, 9, and 11-14 are allowed.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos  
April 2, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**